

IN THE SUPREME COURT OF THE STATE OF DELAWARE

VINCENT JEFFERSON,	§
	§
Defendant Below-	§ No. 599, 2009
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0811013286
Plaintiff Below-	§
Appellee.	§

Submitted: October 29, 2009

Decided: November 30, 2009

Before **BERGER, JACOBS**, and **RIDGELY**, Justices.

ORDER

This 30th day of November 2009, it appears to the Court that:

(1) On October 13, 2009, the Court received Vincent Jefferson's notice of appeal following his Superior Court criminal jury trial, which took place on July 14, 2009. Because Jefferson was not scheduled to be sentenced until November 6, 2009, the Clerk of the Court issued a notice to Jefferson to show cause why his appeal should not be dismissed as interlocutory.¹

¹ Del. Const. art. IV, § 11(1)(b) (limiting the Supreme Court's jurisdiction in criminal appeals to final orders of the Superior Court); *Robinson v. State*, 704 A.2d 269, 271 (Del. 1998) (holding that a criminal ruling is not final until sentence is imposed).

(2) Jefferson filed a response to the notice to show cause on October 22, 2009. His response did not address the interlocutory nature of the appeal. Thereafter, the State filed a response to the notice to show cause asking that Jefferson's appeal be dismissed for failing to invoke the appellate jurisdiction of the Court.

(3) Under the circumstances, it is clear that the Court lacked jurisdiction to hear Jefferson's appeal prior to his sentencing. It is incumbent upon Jefferson's trial counsel to properly file a new notice of appeal from the Superior Court's sentencing order in this matter.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice